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EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 21st August, 1962:—

BILL NO. 72 OF 1962

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Thirteenth Amendment) Act, 1962. Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In PART XXI of the Constitution—

(a) for the heading, the following heading shall be substituted, namely:—

10 “TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS”;

(b) after article 371, the following article shall be inserted, namely:—

15 “371A. (1), Notwithstanding anything in this Constitution,—

(a) no Act of Parliament in respect of—

(i) religious or social practices of the Nagas,

Amendment of Part XXI.

Special provision with respect to the State of Nagaland.

(663)

(ii) Naga customary law and procedure,

(iii) administration of civil and criminal justice involving decisions according to Naga customary law,

(iv) ownership and transfer of land and its resources,

shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decides;

(b) the Governor of Nagaland shall have special responsibility with respect to law and order in the State of Nagaland for so long as in his opinion internal disturbances occurring in the Naga Hills-Tuensang Area immediately before the formation of that State continue therein or in any part thereof and in the discharge of his functions in relation thereto the Governor shall, after consulting the Council of Ministers, exercise his individual judgment as to the action to be taken:

Provided that if any question arises whether any matter is or is not a matter as respects which the Governor is under this sub-clause required to act in the exercise of his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment:

Provided further that if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Nagaland, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order;

(c) in making his recommendation with respect to any demand for a grant, the Governor of Nagaland shall ensure that any money provided by the Government of India out of the Consolidated Fund of India for any specific service or purpose is included in the demand for a grant relating to that service or purpose and not in any other demand;

5 (d) as from such date as the Governor of Nagaland may by public notification in this behalf specify, there shall be established a regional council for the Tuensang district consisting of thirty-five members and the Governor shall in his discretion make rules providing for—

(i) the composition of the regional council and the manner in which the members of the regional council shall be chosen:

10 Provided that the Deputy Commissioner of the Tuensang district shall be the Chairman *ex officio* of the regional council and the Vice-Chairman of the regional council shall be elected by the members thereof from amongst themselves;

15 (ii) the qualifications for being chosen as, and for being, members of the regional council;

(iii) the term of office of, and the salaries and allowances, if any, to be paid to members of, the regional council;

20 (iv) the procedure and conduct of business of the regional council;

(v) the appointment of officers and staff of the regional council and their conditions of service; and

25 (vi) any other matter in respect of which it is necessary to make rules for the constitution and proper functioning of the regional council.

30 (2) Notwithstanding anything in this Constitution, for a period of ten years from the date of the formation of the State of Nagaland or for such further period as the Governor may, on the recommendation of the regional council, by public notification specify in this behalf,—

(a) the administration of the Tuensang district shall be carried on by the Governor;

35 (b) where any money is provided by the Government of India to the Government of Nagaland to meet the requirements of the State of Nagaland as a whole, the Governor shall in his discretion arrange for an equitable allocation of that money between the Tuensang district and the rest of the State;

(c) no Act of the Legislature of Nagaland shall apply to the Tuensang district unless the Governor, on the recommendation of the regional council, by public notification so directs and the Governor in giving such direction with respect to any such Act may direct that the Act shall in its application to the Tuensang district or any part thereof have effect subject to such exceptions or modifications as the Governor may specify on the recommendation of the regional council; 5

Provided that any direction given under this sub-10 clause may be given so as to have retrospective effect;

(d) the Governor may make regulations for the peace, progress and good government of the Tuensang district and any regulations so made may repeal or amend with retrospective effect, if necessary, any Act of Parlia-15 ment or any other law which is for the time being applicable to that district;

(e) (i) one of the members representing the Tuensang district in the Legislative Assembly of Nagaland shall be appointed Minister for Tuensang affairs by the Governor on the advice of the Chief Minister and the Chief Minister in tendering his advice shall act on the recommendation of the majority of the members as aforesaid; 20

(ii) the Minister for Tuensang affairs shall deal with, 25 and have direct access to the Governor on, all matters relating to the Tuensang district but he shall keep the Chief Minister informed about the same;

(f) notwithstanding anything in the foregoing provisions of this clause, the final decision on all matters 30 relating to the Tuensang district shall be made by the Governor in his discretion;

(g) in articles 54 and 55 and clause (4) of article 80, references to the elected members of the Legislative Assembly of a State or to each such member shall include 35 references to the members or member of the Legislative Assembly of Nagaland elected by the regional council established under this article;

(h) in article 170—

(i) clause (1) shall, in relation to the Legisla- 40 tive Assembly of Nagaland, have effect as if for the

word 'sixty', the words 'forty-six' had been substituted;

3 (ii) in the said clause, the reference to direct election from territorial constituencies in the State shall include election by the members of the regional council established under this article;

10 (iii) in clauses (2) and (3), references to territorial constituencies shall mean references to territorial constituencies in the Kohima and Mokokchung districts.

15 (3) If any difficulty arises in giving effect to any of the foregoing provisions of this article, the President may by order do anything (including any adaptation or modification of any other article) which appears to him to be necessary for the purpose of removing that difficulty:

Provided that no such order shall be made after the expiration of three years from the date of the formation of the State of Nagaland.

20 *Explanation.*—In this article, the Kohima, Mokokchung and Tuensang districts shall have the same meanings as in the State of Nagaland Act, 1962.”.

STATEMENT OF OBJECTS AND REASONS

In July 1960, an agreement was reached by the Government of India with the leaders of the Naga Peoples Convention under which it was decided that Naga Hills-Tuensang Area (Nagaland), which is at present a Part 'B' tribal area within the State of Assam, will be formed into a separate State in the Union of India.

2. The Agreement *inter alia* provides that—

(a) the Governor of the State of Nagaland shall have special responsibility for law and order for so long as the law and order situation continues to remain disturbed on account of hostile activities;

(b) the Governor shall have general responsibility with regard to the funds made available to the new State by the Government of India;

(c) the administration of the Tuensang District of Nagaland shall be carried on by the Governor for a period of ten years during which it is expected that the people of that area would be in a position to shoulder fuller responsibilities of administration. A Regional Council is to be formed for the said Tuensang District comprising elected representatives from the tribes therein. This Regional Council will supervise and guide the working of the Village, Range and Area Councils in that district and further no law passed by the Nagaland legislature will extend to that district unless so recommended by the Regional Council;

(d) Acts of Parliament shall not apply to Nagaland unless so decided by the Nagaland Legislature with regard to:—

- (i) religious or social practices of the Nagas;
- (ii) Naga Customary Law and procedure;
- (iii) administration of civil and criminal justice involving decisions according to Naga Customary Law;
- (iv) ownership and transfer of land and its resources.

3. As these matters are peculiar to the proposed new State of Nagaland, provision with respect thereto has to be made in the Constitution itself. This Bill accordingly seeks to amend the Constitution to provide for the aforesaid matters and matters ancillary thereto. A separate Bill for the formation of the new State relatable to article 3 is also being introduced.

NEW DELHI.

JAWAHARLAL NEHRU.

*BILL NO. 73 OF 1962

A bill to provide for the formation of the State of Nagaland and for matters connected therewith.

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

PART I

PRELIMINARY

- 5 1. This Act may be called the State of Nagaland Act, 1962. Short title.
2. In this Act, unless the context otherwise requires, — Definitions.
- (a) “appointed day” means the day which the Central Government may, by notification in the Official Gazette, appoint;
- (b) “article” means an article of the Constitution;
- 10 (c) “assembly constituency” and “parliamentary constituency” have the same meanings as in the Representation of the People Act, 1950;
- 43 of 1950. (d) “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument or custom or usage having the force of law;
- 15 (e) “Naga Hills- Tuensang Area” means the Naga Hills-Tuensang Area specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution, comprising the areas which at the commencement of the Constitution were known as
- 20 the Naga Hills District and the Naga Tribal Area;
- (f) “regional council” means the regional council referred to in article 371A.

*The President has, in pursuance of proviso to article 3, clauses (1) and (3) articles 117 and clause (1) of article 274 of the Constitution of India, recommended to Lok Sabha the introduction and consideration of the Bill.

PART II

FORMATION OF THE STATE OF NAGALAND

Formation of
State of
Nagaland.

3. (1) As from the appointed day, there shall be formed a new State to be known as the State of Nagaland comprising the territories which immediately before that day were comprised in the Naga Hills-Tuensang Area and thereupon the said territories shall cease to form part of the State of Assam.

(2) Without prejudice to the power of the State Government to alter after the appointed day; the name, extent or boundaries of any district, the State of Nagaland shall consist of three districts to be called the Kohima district, Mokokchung district and Tuensang district, each comprising the areas respectively set out in the Schedule.

Amendment
of First
Schedule to
the Consti-
tution.

4. As from the appointed day, in the First Schedule to the Constitution, under the heading "I THE STATES",—

(a) in the paragraph relating to the territories of the State of Assam, the following shall be added at the end, namely:—

"and the territories specified in sub-section (1) of section 3 of the State of Nagaland Act, 1962";

(b) after entry 15, the following entry shall be inserted, namely:—

"16. Nagaland . . . The territories specified in sub-section (1) of section 3 of the State of Nagaland Act, 1962."

Amendment
of Sixth
Schedule
to the Con-
stitution.

5. As from the appointed day, in the Sixth Schedule to the Constitution—

(a) in paragraph 20—

(i) sub-paragraph (2B) shall be omitted,

(ii) in sub-paragraph (3), the brackets and words "(other than the Naga Hills-Tuensang Area)" shall be omitted;

(b) in the Table appended to paragraph 20, in Part B, the item "2. The Naga Hills-Tuensang Area" shall be omitted.

PART III

REPRESENTATION IN THE LEGISLATURES

The Council of States

Representa-
tion in
Council of
States.

6. As from the appointed day—

(a) there shall be allotted one seat to the State of Nagaland in the Council of States;

(b) in the Fourth Schedule to the Constitution, in the Table—

(i) entries 16 to 19 shall be renumbered as entries 17 to 20,

(ii) after entry 15, the following entry shall be inserted, namely:—

“16. Nagaland . . . 1”,

(iii) at the end, for the figures “224”, the figures “225” shall be substituted.

7. As soon as may be after the appointed day, there shall be held a Bye-election to fill vacancy. 10 bye-election to fill the vacancy in the seat allotted to the State of Nagaland in the Council of States.

8. The term of office of the member for the first time elected to fill the seat allotted to the State of Nagaland in the Council of States shall expire on the 2nd day of April, 1968. Term of office.

15 *The House of the People*

9. (1) As from the appointed day—

(a) there shall be allotted one seat to the State of Nagaland in the House of the People; Representation in House of the People.

43 of 1950. 20 (b) in the First Schedule to the Representation of the People Act, 1950,—

(i) the entry “25. Naga Hills-Tuensang Area . . . 1” shall be omitted;

(ii) entries 16 to 24 shall be renumbered as entries 17 to 25;

25 (iii) after entry 15, the following entry shall be inserted, namely:—

“16. Nagaland . . . 1”.

(2) The whole of the State of Nagaland shall form one parliamentary constituency to be called the parliamentary constituency of Nagaland for the purpose of filling the seat allotted to that State in the House of the People. 30

(3) For the period referred to in clause (2) of article 371A, section 13D of the Representation of the People Act, 1950, shall apply in relation to the parliamentary constituency of Nagaland with the modification that it shall be necessary to prepare and revise separately the electoral roll for that part of the said parliamentary constituency which comprises the Tuensang district and the provisions of Part III 35 486 G. of I. Ext.—2.

of that Act shall apply in relation to the said part as they apply in relation to an assembly constituency.

Provision as
to sitting
member.

10. The sitting member of the House of the People representing, immediately before the appointed day, the Naga Hills-Tuensang Area shall, as from that day, represent the State of Nagaland in that House and shall continue to do so until a person is elected in accordance with law to fill the seat allotted to the parliamentary constituency of Nagaland. 5

The Legislative Assembly

Strength of
Legislative
Assembly.

11. (1) The total number of seats to be filled by persons chosen by direct election in the Legislative Assembly of Nagaland shall be 60: 10

Provided that for the period referred to in clause (2) of article 371A, the total number of seats in the Legislative Assembly of Nagaland shall be 46, of which—

(a) six seats shall be allocated to the Tuensang district and shall be filled by persons chosen by the members of the regional council from amongst themselves in such manner as the Governor, after consulting that council, may by notification in the Official Gazette specify, and 15

(b) the remaining forty seats shall be filled by persons chosen by direct election from assembly constituencies in the rest of the State of Nagaland. 20

(2) In the Representation of the People Act, 1950,—

43 of 1950.

(a) in section 7, the following proviso shall be inserted at the end, namely:— 25

“Provided that for the period referred to in clause (2) of article 371A, the total number of seats allotted to the Legislative Assembly of Nagaland shall be 46, of which—

(a) six seats shall be allocated to the Tuensang district and shall be filled by persons chosen by the members of the regional council referred to in that article from amongst themselves in such manner as the Governor, after consulting that council, may by notification in the Official Gazette specify, and 30

(b) the remaining forty seats shall be filled by persons chosen by direct election from assembly constituencies in the rest of the State of Nagaland.”; 35

(b) in the Second Schedule, after entry 14, the following entry shall be inserted, namely:—

“15. Nagaland..60 [for the period referred to in clause (2) of article 371A, 46].”.

43 of 1951. 5 (3) In the Representation of the People Act, 1951, in section 5, in clause (c), the following proviso shall be inserted at the end, namely:—

10 “Provided that for the period referred to in clause (2) of article 371A, a person shall not be qualified to be chosen to fill any seat allocated to the Tuensang district in the Legislative Assembly of Nagaland unless he is a member of the regional council referred to in that article.”.

(4) The Election Commission shall delimit the assembly constituencies in accordance with the provisions of the Constitution on 15 the basis of the latest census figures, and in doing so the Commission shall have regard to the following provisions, namely:—

20 (a) all constituencies shall, as far as practicable, consist of geographically compact areas, and in delimiting them, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication, public convenience and linguistic affinities of the people,

(b) all constituencies shall be single-member constituencies, and

25 (c) the population of each constituency shall not, as far as practicable, be more than six thousand.

Regulation 1 of 1961. 30 (5) For the purpose of assisting the Election Commission in the performance of its functions under this section, the Commission shall associate with itself five persons of whom three shall be elected by the members of the Interim Body established under section 3 of the Nagaland (Transitional Provisions) Regulation, 1961, from among themselves and two shall be nominated by the Central Government:

Provided that none of the said associate members shall have a right to vote or to sign any decision of the Election Commission.

(6) The Election Commission shall—

35 (a) formulate its proposals in regard to the matters mentioned in sub-section (4) and publish them in the Official Gazette of the State of Assam and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a

date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration hold one or more public sittings 5 at such place or places as it may think fit;

(c) after considering all objections and suggestions which may have been received by it before the date so specified, determine the matters mentioned in sub-section (4) by one or more final orders and cause such order or orders to be published 10 in the Official Gazette of the State of Assam; and upon such publication the order or orders shall have the full force of law and shall not be called in question in any court;

(d) amend the Delimitation of Parliamentary and Assembly Constituencies Order, 1961, so as to include therein the parlia- 15 mentary constituency of Nagaland and the assembly constituencies delimited under this section.

Rules of
Procedure.

12. The rules as to procedure and conduct of business in force immediately before the appointed day with respect to the Legislative Assembly of Assam shall, until rules are made under clause (1) of 20 article 208, have effect in relation to the Legislative Assembly of Nagaland, subject to such modifications and adaptations as may be made therein by the Speaker thereof.

PART IV

HIGH COURT

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Common
High Court
for Assam
and Naga-
land.

13. (1) As from the appointed day,—

(a) there shall be a common High Court for the State of Assam and the State of Nagaland to be called the High Court of Assam and Nagaland (hereinafter referred to as the common High Court); 30

(b) the Judges of the High Court of Assam holding office immediately before that day shall, unless they have elected otherwise, become on that day the Judges of the common High Court.

(2) Expenditure in respect of the salaries and allowances of the 35 Judges of the common High Court shall be allocated between the State of Assam and the State of Nagaland in such proportion as the President may by order determine.

14. (1) As from the appointed day,—

Provision
as to
Advocates.

25 of 1961. (a) in the Advocates Act, 1961. in section 3, in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

5 “(b) for the States of Assam and Nagaland and the Union territory of Manipur, to be known as the Bar Council of Assam and Nagaland;”;

(b) the Bar Council of Assam shall be deemed to be the Bar Council of Assam and Nagaland.

10 (2) Any person who immediately before the appointed day is an advocate entitled to practise in the High Court of Assam shall be entitled to practise as an advocate in the common High Court.

(3) All persons who immediately before the appointed day are advocates on the roll of the Bar Council of Assam shall as from that 15 day become advocates on the roll of the Bar Council of Assam and Nagaland.

(4) The right of audience in the common High Court shall be regulated in accordance with the like principles as, immediately before the appointed day, are in force with respect to the right of 20 audience in the High Court of Assam:

Provided that as between the Advocate-General of Assam and the Advocate-General of Nagaland the right of audience shall be determined with reference to their respective dates of enrolment as advocates.

25 15. Subject to the provisions of this Part, the law in force immediately before the appointed day with respect to practice and procedure in the High Court of Assam shall, with necessary modifications, apply in relation to the common High Court. Practice and procedure in common High Court.

16. The law in force immediately before the appointed day with respect to the custody of the Seal of the High Court of Assam shall, 30 with necessary modifications, apply with respect to the custody of the Seal of the common High Court. Custody of Seal of common High Court.

17. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or 35 awarded by the High Court of Assam shall, with necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the common High Court. Form of writs and other processes.

Powers of Judges.

18. The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division courts of the High Court of Assam and with respect to all matters ancillary to the exercise of those powers shall, with necessary modifications, apply in relation to the common High Court

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Principal seat of common High Court.

19. The principal seat of the common High Court shall, unless otherwise determined by the Chief Justice after consultation with the Governors of Assam and Nagaland, be at the same place as the principal seat of the High Court of Assam immediately before the appointed day.

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Procedure as to appeals to Supreme Court.

20. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the High Court of Assam and the Judges and division courts thereof shall, with necessary modifications, apply in relation to the common High Court.

Pending suits, appeals and proceedings.

21. All suits, appeals and proceedings, civil, criminal or otherwise, pending in the High Court of Assam immediately before the appointed day shall, on that day, stand removed to the common High Court and the common High Court shall have jurisdiction to hear and determine the same, and the judgments, decrees, sentences and orders of the High Court of Assam delivered, passed or made before the appointed day shall have the same force and effect as if they had been delivered, passed or made by the common High Court.

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PART V

FINANCIAL PROVISIONS

Authorisation of expenditure pending its sanction by Legislature.

22. The President may, at any time before the appointed day authorise such expenditure from the Consolidated Fund of the State of Nagaland as he deems necessary for a period of not more than six months beginning with the appointed day, pending the sanction of such expenditure by the Legislature of the State of Nagaland:

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Provided that the Governor of Nagaland may, after the appointed day, authorise such further expenditure as he deems necessary from the Consolidated Fund of the State of Nagaland for any period not extending beyond the said period of six months.

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Distribution of revenues.

23. (1) The President shall by order determine the grants-in-aid of the revenues of the State of Nagaland and the share of that State in the Union duties of excise, estate duty and taxes on income and for that purpose amend thereby the relevant provisions of the Union

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of 1962.
 38 of 1957.
 9 of 1962.
 C.O. 63.

Duties of Excise (Distribution) Act, 1962, the Additional Duties of Excise (Goods of Special Importance) Act, 1957, the Estate Duty (Distribution) Act, 1962, and the Constitution (Distribution of Revenues) Order, 1962, in such manner as he thinks fit.

5 (2) The grants-in-aid so determined shall be charged on the Consolidated Fund of India and the share so determined shall be paid out of the revenues from the said duties or taxes retained by the Union or attributable to the Union territories.

24. (1) All property and assets situated in, or used for or in connection with the administration of, the Naga Hills-Tuensang Area and vested in the Union immediately before the appointed day (other than any property or assets so vested for purposes of the Union) shall, as from that day, vest in the State of Nagaland: Property, assets, rights, liabilities and obligations.

15 Provided that the cash balances in the treasuries in the Naga Hills-Tuensang Area immediately before the appointed day shall, as from that day, vest in the State of Nagaland.

(2) All rights, liabilities and obligations of the Central Government, whether arising out of any contract or otherwise which are, immediately before the appointed day, the rights, liabilities and obligations of the Central Government arising out of or in connection with the administration of the Naga Hills-Tuensang Area shall, as from that day, be the rights, liabilities and obligations of the Government of the State of Nagaland.

25. The right to recover arrears of any tax or duty (being a tax or duty enumerated in the State List in the Seventh Schedule to the Constitution) which have fallen due in the Naga Hills-Tuensang Area shall pass to the State of Nagaland. Arrears of taxes.

PART VI

LEGAL AND MISCELLANEOUS PROVISIONS

30 26. (1) All laws in force, immediately before the appointed day, in the Naga Hills-Tuensang Area shall continue to be in force in the State of Nagaland until altered, repealed or amended by a competent Legislature or other competent authority. Continuance of existing laws and their adaptation.

(2) For the purpose of facilitating the application in relation to the State of Nagaland of any law made before the appointed day, the appropriate Government may, within two years from that day, by order make such adaptations and modifications of the law, whether by

way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression “appropriate Government” means, as respects any law relating to a matter enumerated in the Union List in the Seventh Schedule to the Constitution, the Central Government; and as respects any other law, the Government of Nagaland.

Power to
construe
laws,

27. Notwithstanding that no provision or insufficient provision has been made under section 26 for the adaptation of a law made before the appointed day, any court, tribunal or authority required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Nagaland, construe the law in such manner not affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority, as the case may be.

Provisions as
to continu-
ance of
courts and
of officers,
etc.

28. (1) All courts and tribunals and all authorities discharging lawful functions throughout the Naga Hills-Tuensang Area or any part thereof immediately before the appointed day shall, unless their continuance is inconsistent with the provisions of this Act or until other provision is made by a competent Legislature or other competent authority, continue to exercise their respective functions.

(2) Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the administration of the Naga Hills-Tuensang Area or any part thereof shall, except where by virtue or in consequence of the provisions of this Act such post or office ceases to exist on that day, continue to hold the same post or office in the State of Nagaland, and shall be deemed, as from that day, to have been duly appointed to such post or office by the Government of, or other appropriate authority in, such State.

(3) Nothing in sub-section (2) shall be deemed to prevent a competent authority, after the appointed day, from passing in relation to any such person any order affecting his continuance in such post or office.

Amendment
of Act 37
of 1956.

29. As from the appointed day, in section 15 of the States Reorganisation Act, 1956, in clause (c), for the words, “and Assam”, the words “Assam and Nagaland” shall be substituted.

30. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Effect of provisions of Act inconsistent with other laws.

31. If any difficulty arises in giving effect to the provisions of this Act, the President may, by order, do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

Power to remove difficulties.

32. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Regulation
2 of 1961.

33. As from the appointed day, the Nagaland (Transitional Provisions) Regulation, 1961, shall stand repealed.

Repeal.

THE SCHEDULE

[See section 3(2)]

<i>District</i>	<i>Areas</i>
1. Kohima ..	The areas which immediately before the 1st day of December, 1957, were comprised in the Naga Hills District excluding the areas in Mokokchung district as specified in item No. 2. 5
2. Mokokchung ..	The areas which immediately before the 1st day of December, 1957, were comprised in the Mokokchung sub-division of the Naga Hills District. 10
3. Tuensang ..	The areas which immediately before the 1st day of December, 1957, were comprised in the Tuensang Frontier Division of the North East Frontier Agency. 15

STATEMENT OF OBJECTS AND REASONS

In July 1960 the Government of India, in pursuance of an agreement with the leaders of the Naga Peoples Convention, decided that the Naga Hills-Tuensang Area (Nagaland), which is at present a Part 'B' tribal area within the State of Assam, should be formed into a separate State in the Union of India.

2. The Bill provides for the formation of the Naga Hills-Tuensang Area into a separate State and amends the Sixth Schedule to the Constitution so as to omit all references therein to the said area. The Bill also makes the necessary supplemental and incidental provisions relating to representation in Parliament and in the State Legislature, the apportionment of assets and liabilities between the Central Government and the State Government and other matters. The Bill further provides for the constitution of a common High Court for Assam and Nagaland and a common Bar Council.

3. The Bill also seeks to repeal, from the date of the formation of the State, the Nagaland (Transitional Provisions) Regulation, 1961, which was promulgated by the President to bring into force the interim arrangements pending formation of the State of Nagaland.

4. As required by the proviso to article 3 of the Constitution, this Bill was referred by the President to the Legislature of the State of Assam and its views will also be placed before the Parliament.

NEW DELHI.

JAWAHARLAL NEHRU.

FINANCIAL MEMORANDUM

The Naga Hills-Tuensang Area is at present administered, as if it were a Union Territory, under sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution read with Article 240 thereof. The expenditure both in relation to the administration as well as the development thereof is borne by the Central Government out of the Consolidated Fund of India and amounts to about Rs. 5,00 lakhs. At present the revenue receipts from the Naga Hills-Tuensang Area amount to about Rs. 30 lakhs only and are credited to the Consolidated Fund of India.

2. When the new State of Nagaland comprising the present Naga Hills-Tuensang Area comes into existence, the Central Government will have to continue to give grants-in-aid of the revenues of the State of Nagaland to meet the cost of administration as well as of development of that State. Upon the formation of the State and consequent introduction of the normal apparatus of a State, the cost of administration is likely to increase to some extent. Further, the tempo of the development in the State is likely to increase year by year, with consequent increase in expenditure on that account. While efforts will be made to increase the revenues of the State, the Government of India will have to fill the gap between the revenue receipts of the new State and its expenditure for a number of years.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 32 of the Bill empowers the Central Government to make rules to give effect to the provisions of the Bill when enacted. The rules, if any, will be confined to matters of procedure and other matters of minor detail relating to the enforcement of the provisions of this Bill.

The proposed delegation of legislative powers is of a normal character.

*BILL No. 78 OF 1962

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1962-63.

BE it enacted by Parliament in the Thirteenth year of the Republic of India as follows:—

Short title 1. This Act may be called the Appropriation (No. 4) Act, 1962.

Issue of Rs. 8,42,48,000 out of the Consolidated Fund of India for the year 1962-63. 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of eight crores, forty-two lakhs and thirty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1962-63, in respect of the services specified in column 2 of the Schedule. 5

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Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, read with article 115 thereof, recommended to Lok Sabha the introduction and consideration of the Bill

THE SCHEDULE

(See sections 2 and 3)

5	No. of Vote	1	2	3		
				Sums not exceeding		
				Voted by Parliament	Charged on the Consoli- dated Fund	Total
				Rs.	Rs.	Rs.
10	9		Defence Services, Effective—Army	1,000		1,000
	10		Defence Services, Effective—Navy	1,000		1,000
	11		Defence Services, Effective—Air Force	1,000		1,000
	23		Ministry of Finance		13,000	13,000
	44		Other Revenue Expenditure of the Ministry of Food and Agriculture	8,00,00,000		8,00,00,000
15	49		Cabinet	3,87,000		3,87,000
	78		Other Revenue Expenditure of the Ministry of Mines and Fuel		21,000	21,000
	102		Stationery and Printing		1,000	1,000
	114		Defence Capital Outlay	11,37,000		11,37,000
20	126		Other Capital Outlay of the Ministry of Food and Agriculture		1,70,000	1,70,000
	129		Capital Outlay of the Ministry of Information and Broadcasting		2,000	2,000
25	133		Capital Outlay of the Ministry of Mines and Fuel	25,00,000		25,00,000
	139		Other Capital Outlay of the Ministry of Trans- port and Communications		4,000	4,000
			TOTAL	8,40,27,000	2,11,000	8,42,38,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1962-63.

MORARJI DESAI.

*BILL NO. 79 OF 1962

A bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1962-63 for the purposes of Railways.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 4 Short title.
Act, 1962.

5 2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of rupees seven-
10 17,00,000
16 teen lakhs towards defraying the several charges which will come in course of payment during the financial year 1962-63, in respect of the Consolidat-
16 ed Fund of
16 India for the
16 financial
16 year 1962-
16 63.
16 services relating to railways specified in column 2 of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India read with clause (2) of article 115 thereof, recommended to Lok Sabha the introduction and consideration of the Bill.

THE SCHEDULE
(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
2	Miscellaneous Expenditure . . .	Rs. 12,00,000	Rs. ..	Rs. 12,00,000
17	Open Line Works—Replacements . .	5,00,000	..	5,00,000
TOTAL . .		17,00,000	..	17,00,000

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STATEMENT OF OBJECTS AND REASONS

The Bill is introduced in pursuance of article 114 (1) of the Constitution of India read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government on Railways for the financial year 1962-63.

SWARAN SINGH.

M. N. KAUL,
Secretary.

